

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JOHN HENRY SUTTON,

Defendants.

4:08CR3177

MEMORANDUM AND ORDER

The defendant has failed to meet the burden of showing, by clear and convincing evidence pursuant to 18 U.S.C. § 3143 (a) and Fed. R. Crim. P. Rule 32.1(a)(6) that his placement at Williams Prepared Place will not pose a danger to the safety of any person or the community. The defendant has a long history of failing to follow rules and has wasted opportunities the court has provided in the past. Accordingly,

IT IS ORDERED:

- 1) The defendant's motion for release, (Filing No. 251), is denied.
- 2) The above-named defendant shall be detained until further order.
- 3) The defendant is committed to the custody of the Attorney General for confinement in a corrections facility; the defendant shall be afforded reasonable opportunity for private consultation with counsel; and on order of a court of the United States, or on request of an attorney for the government, the person in charge of the facility shall deliver the defendant to a United States Marshal for appearance in connection with a court proceeding.

February 14, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge